

AO91 (Rev. 12/03) Criminal Complaint

UNITED STATES DISTRICT COURT

EASTERN

DISTRICT OF

TEXAS

UNITED STATES OF AMERICA

V.

Da'Mon TyJuan Broussard

CRIMINAL COMPLAINT

Case Number: 9:22MJ2

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 1/7 / 2022 in Angelina County, in the Eastern District of Texas defendant(s) did,

(Track Statutory Language of Offense)

intentionally attempt to take from the person or the presence of the person described in the complaint, any mail matter or any other money or any other property of the United States then in the lawful charge, control, or custody of that person and did attempt to take the property by means of intimidation,

in violation of Title 18 United States Code, Section(s) 2114.

I further state that I am a(n) U.S. Postal Inspector and that this complaint is based on the following facts:

Official Title

See attached Affidavit

Continued on the attached sheet and made a part of this complaint: ☒ Yes ☐ No

/s/ James Kim by Judge Hawthorn
Signature of Complainant w/ permission

James Kim, U.S. Postal Inspector

Printed Name of Complainant

Sworn to before me ^{by phone} and signed in my presence,

1/14/22
Date

at

Beaumont

City

Texas

State

Zack Hawthorn

Name of Judge

Magistrate Judge

Title of Judge

Signature of Judge

9:22mj2

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, James Kim, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

Introduction

1. I am a United States Postal Inspector with the United States Postal Inspection Service (USPIS), and I have been so employed since 2017. I am currently assigned to the Dallas Mail Theft/Violent Crimes Team for the Fort Worth Division, and I am responsible for investigating mail theft, robberies, burglaries, threats, assaults, financial crimes, and identity theft cases involving the United States Postal Service.

Probable Cause

2. On or about January 7, 2022, at approximately 4:42 PM, I received a call from the National Law Enforcement Communication Center (NLECC) regarding an attempted robbery of a Lufkin, Texas Post Office (PO) City Carrier, identified here as "J.C." at 408 Traylor Street, Lufkin, Texas 75901. Lufkin, Texas is located in Angelina County, Texas which is entirely in the Eastern District of Texas.
3. NLECC advised me that the Lufkin PO Supervisor and Lufkin Police Department were on scene. NLECC advised there were no injuries or losses sustained and that the suspect had fled the scene.
4. I later spoke with J.C. who provided the following:
5. At around 4:20 PM on January 7, 2022, J.C. was delivering mail on city route 0401-15. At the end of his route, he drove his Long Life Vehicle (LLV) mail truck to 408 Traylor St, Lufkin, Texas, 75901, to deliver a package to a customer. He parked

facing north on Traylor Street, at the end of the driveway by the mailbox. J.C. began walking up to the residence and as he was approximately 10 feet from his vehicle, he observed a silver Toyota Prius drive in front of his LLV blocking it in. J.C. observed a black male, approximately 18-25 years old, 5'11", 150 pounds, thin and lean build, medium skin complexion. The subject was wearing a solid black hoody with a possible gold emblem in the center with the hood of the hoody draped over his head, and solid black sweatpants. The subject had a standard medical black mask worn over his face. Upon first seeing the subject, J.C. noticed both of the subject's hands were in his pockets. The subject then approached J.C. and removed his hands from his pockets and stood approximately two feet from him. The subject then said, "I have a knife and I will cut you if you don't give me your keys." At this time J.C. looked over at the subject's vehicle and noticed the license plate was covered and realized he was being robbed. When J.C. asked the subject why he was doing this, the subject replied, "I need money." The subject stated that he was not asking for the keys to the mail, truck but was asking for the keys to the mailboxes. J.C. explained that he did not carry those keys and that every carrier was not given a set. The subject then apologized, stating, "I don't mean to scare you. I'm really a nice guy." and offered his hand for J.C. to shake. J.C. shook his hand. The subject then fled in his vehicle north bound. J.C. did not see anyone else in the silver Toyota Prius.

6. I made contact with Lufkin PD and spoke with one of the responding officers, Corporal J. Beck, regarding the attempted robbery. Officer Beck advised one of his officers retrieved security footage from a business, United Security Services, 2218

Atkinson Drive, Lufkin, Texas 75901, showing the silver Toyota Prius and a male matching the description provided by J.C. exiting the vehicle to remove a covering that had been placed over the license plate.

7. On January 8, 2022, Officer Beck informed me that there had been another attempted robbery of a US mail carrier at Silver Creek Apartments, 2605 S 1st Street, Lufkin, Texas 75901. I responded to the scene along with Lufkin PD. Upon arriving, I met with City Letter Carrier "W.M." who provided the following:
8. At around 12:05 PM, W.M. arrived at the Silver Creek Apartments. He parked his mail truck by the mail center. W.M. grabbed his mail and carried it over to the mail center in a postal tub. He placed the tub down to unlock the door into the mail center. W.M. bent over to place the postal tub inside of the mail center. As he stood up, he noticed a black male, approximately 6 feet tall with a dark skin complexion, slender build, about less than one inch long afro hair, with spotted facial hair, wearing a light blue disposal medical mask, all black hoody (with hood draped over his head), all black nylon pants, and black shoes, who stood about a foot away from W.M. The male asked for W.M.'s "keys". When asked by W.M. if he was the same person from the day before, referencing the attempted robbery of J.C., the subject replied "yes". W.M. asked the male what keys he was demanding and the male pointed to the keys that were inserted into the mail center door lock. W.M. told the male that he could not give him the keys, and the male replied, "You can tell your supervisor or them, I took them." and "Come on man. Give me them keys. I don't want to hurt nobody. All I want is them keys." W.M. stated the conversation went on for about 5-10 minutes

with the male trying to persuade W.M. to hand over the keys. W.M. continued to refuse to give the male the keys and the male finally said, "if you tell me that you cannot give me the keys, I will walk off." Then he turned around and walked away on foot. W.M. then drove to the parking lot of a local business and contacted his supervisor to report the incident.

9. I requested a BOLO notification to be sent out to Lufkin PD patrol officers regarding the suspect.
10. On January 8, 2022, Lufkin PD Officer J. Cowan was notified by Lufkin PD Officer McMullen that he had stopped a silver Toyota Prius on Atkinson Drive in Lufkin, Texas matching the description of the suspect vehicle and encountered the driver who was identified as **Da'Mon Broussard** ("**Broussard**"). **Broussard** stated he was staying at the Marriott on South First Street in Lufkin. Officer McMullen questioned **Broussard** regarding the reported offenses, but **Broussard** did not make any admissions. **Broussard** was released from the scene.
11. Later that day, Officer Cowan drove by the Marriott and made contact with **Broussard** who was in the backseat of the silver Toyota Prius. He questioned **Broussard** about any recent wrongdoings. **Broussard** denied having been involved in any. Officer Cowan explained to **Broussard** that he was not under arrest, and that Officer Cowan was trying to determine what occurred with the mail carrier on January 7, 2022. He showed **Broussard** the security footage photograph of a silver Toyota Prius with a black male dressed in all black. **Broussard** confirmed that it was him and his vehicle in the photograph. **Broussard** admitted to speaking with the two

carriers on January 7th and January 8th, stating that he was trying to get mail keys so that when he returned home to California he could steal packages. **Broussard** admitted that he had stolen packages before and could sell iPhones for roughly \$800.00. Officer Cowan asked **Broussard** if he would voluntarily follow him to Lufkin PD to speak to a detective. **Broussard** agreed and followed the officer to Lufkin PD.

12. On January 8, 2022, Lufkin PD Detective D. Estes interviewed **Broussard** regarding the attempted robberies of the two US Letter Carriers. Detective Estes advised **Broussard** the interview was voluntary and he was free to leave at any time. Detective Estes read him his rights in case the interview turned into a custodial interview. **Broussard** waived his rights and provided the following:

13. Broussard stated he was a resident of Los Angeles, California. He said he flew from Los Angeles International Airport (LAX) into George Bush International Airport (IAH) and was returning to LAX from IAH on Sunday, January 9, 2022. **Broussard** said he was visiting a friend "Jerome" aka "Wavy" who he met three years ago on social media with the intent to shoot videos in Lufkin. **Broussard** admitted that he would steal USPS and FedEx packages in Los Angeles, targeting priority packages with iPhones and packages with Nordstrom labels. He admitted stealing was wrong, but stated he is not harming anyone in the process because the customers/victims can call and order a replacement package. **Broussard** admitted that he had approached two different mail carriers while in Lufkin. He stated he was there to try to steal packages and was unable to take anything with the carriers so close to the mail truck.

Broussard said he approached both mail carriers and engaged in conversation and left. He denied making any threat about a knife and denied any mention of keys. Detective Estes showed a security surveillance photograph of the silver Toyota Prius with a black male dressed in all black. **Broussard** admitted that was him and his vehicle. Detective Estes asked **Broussard** about the covering placed over the license plate. **Broussard** said, in reference to the covering of the license plate, he would not do that to steal a package or to break into mailboxes. Broussard stated he came into talk to a Detective, because he wanted to show his intentions were not to hurt anybody.

14. **Broussard** also stated that he obtained the Prius from a private owner in Houston, Texas using Getaround, a car-sharing company. On January 11, 2022, I spoke with a legal representative at Getaround who confirmed that the Prius was obtained through their company and that **Broussard's** name and driver's license number were used. I am continuing to gather information from Getaround regarding the Prius.
15. On January 10, 2022, I met with both J.C. and W.M. separately and presented a photo line-up containing six photographs including a photograph of **Broussard**. Both Carriers positively identified **Broussard** out of the photo line-up, with J.C. stating he was approximately 90 percent sure of the identification and W.M. stating he was approximately 75 percent sure of the identification.
16. Based upon the foregoing, I submit there is probable cause to believe that **Da'Mon TyJuan Broussard** did attempt to rob a United States Postal Service City Mail

Carrier; a person having lawful charge, control, or custody of any mail matter or other property of the United States, in violation of 18 U.S.C. § 2114.

151 James Kim by Judge Hawthorn with permission
James Kim
U. S. Postal Inspector
United States Postal Inspection Service

Subscribed and sworn to before me on this ^{14th} 13th day of January, 2022.

Zack Hawthorn
ZACK HAWTHORN
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF TEXAS